

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

MARK REAVES

Plaintiff(s)

v.

MASS. ARMY NATIONAL GUARD

Defendant(s)

Civil Action No. 04-00125-MAP

January 20, 2006

FILED  
IN CLERK'S OFFICE  
JAN 20 A 9:05  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

**MEMORANDUM IN OPPOSITION TO MOTION TO ENLARGE TIME**

Now comes the plaintiff Mark Reaves in the above entitled matter and respectfully requests this honorable court consider this opposition to motion to enlarge time to respond. As grounds for this opposition plaintiff Mark Reaves, herein, states as follows:

- 1) During Scheduling conference hearing, both parties were instructed to adhere to a compressed time to file motions and answers due to the impending military deployment of the plaintiff, Mark Reaves. Both parties agreed to this time constraint.
- 2) Plaintiff Mark Reaves, Pro Se, diligently met the initial time period to submit proper Motion for Leave to Amend and also Motion to amend submitted, December 21, 2005. Defendant's Attorney James Whitcomb was required to file a response to plaintiff's motion by January 6, 2006. He requested and was granted a motion to enlarge until January 20, 2006. Plaintiff was opposed to this initial motion due to his limited ability to respond prior to his military deployment.
- 3) Defendant's Attorney James Whitcomb has had a reasonable amount of time to respond to plaintiff's amended complaint (four weeks). The enlargement is due to expire January 20, 2006. Attorney Whitcomb seeks another two week period. This is unfair.
- 4) Defendant's Attorney James Whitcomb contacted the plaintiff Mark Reaves on January 19, 2006. Attorney Whitcomb has expressed a desire to enlarge once again. He expressed that he would prefer to stay proceedings until after plaintiff Mark Reaves returns from his military deployment. Plaintiff requested that Attorney Whitcomb respond to the complaint and not focus on staying the proceedings or arbitrarily enlarging the time to respond.
- 5) Plaintiff is expected to deploy in the first week of February 2006.
- 6) Enlargement would unreasonably deprive plaintiff time to respond.

Plaintiff attempted to narrow the issue of this matter, however; Attorney Whitcomb expressed his inability to narrow the issue on behalf of his clients. Justice requires that opposition to motion be granted. It is the belief of the plaintiff Mark Reaves, that Attorney James Whitcomb has no intention of answering the complaint. Plaintiff respectfully requests this honorable court require the defendant's attorney James Whitcomb file an answer in his previously allotted time.

Respectfully submitted,

  
Mark Reaves  
Pro Se

Clerk of Court US District Court for the  
District of Massachusetts, Western Section  
James S. Whitcomb, Asst Attorney General (by mailing)